



SDMS DocID

559607

NIXON, HALL AND HESS  
PROFESSIONAL ASSOCIATION

*Attorneys at Law*  
*Eighty Merrimack Street*  
*Manchester, New Hampshire 03101*

TELEPHONE 603-669-8080  
WATS 1-800-343-1263  
FAX 603-669-0903

ROBERT E. RAICHE,  
*Of Counsel*

DAVID L. NIXON  
MICHAEL P. HALL  
DAVID W. HESS  
FRANK E. KENISON  
EDWARD W. STEWART, JR.  
LESLIE C. NIXON  
FRANCIS G. MURPHY, JR.  
JOSEPH F. KEEFE  
WENDY N. BRANCH

March 7, 1990

Superfund Records Center

SITE: Coakley

BREAK: 11.9

OTHER: 559607

BY FEDERAL EXPRESS

United States Environmental Protection Agency  
Mr. Steven J. Calder  
Waste Management Division  
J. F. Kennedy Federal Building, HSN-CAN5  
Boston, MA 02203

Dear Mr. Calder:

Please be advised that this office has been retained to represent the interests of Fuel Storage Corporation with regards to your letter of February 2, 1990, regarding Notice of Potential Liability at Coakley Landfill, North Hampton and Greenland, New Hampshire.

Please let me note that your letter was directed to Mr. Charles Denault at 78 Patterson Lane, Newington, New Hampshire. This is the address of a facility operated by Fuel Storage Corporation, but not its principal office which is located in Manchester, New Hampshire. Consequently, I am not sure when in fact this notice was received at the facility, but it was several days before your letter was forwarded to my client. While I believe our response is timely, in the context of your letter, I would respectfully request your indulgence in this reply.

This shall serve to acknowledge that your letter notified my client of a potential liability with regard to the Coakley Landfill, and encouraged him, as a PRP, to reimburse EPA for the costs incurred to date and to voluntarily perform or finance a response activities that EPA has determined are required at the Site.

This shall also acknowledge your demand for payment of at least \$1,225,000.

Due to my client's lack of knowledge of your activities at the Site, we are in no position presently to respond to your demand for payment.

Based upon the information presently available to us, it is my client's position that their potential liability at this Site, if at all, is de minimis. We are still in the process of compiling and reviewing documentation regarding our involvement in this Site. That review to date does not indicate a basis for liability for remedial action at the Site. I am most anxious to review whatever material you have available indicating our involvement in the site.

I would appreciate being notified of any and all activities pending on the Site, and to the best extent of our ability, we are agreeable to cooperating with EPA at this time. I am presently not aware of any negotiations going on, but would appreciate any information you could provide regarding present negotiations or the existence of a PRP steering committee.

I understand from your letter that EPA is planning to conduct a meeting with responsible parties, and I would appreciate being notified so that I may attend and participate in that meeting. In addition, would you please advise me where the Administrative Record is being maintained in the City of Portsmouth.

I have reviewed your Request for Information appended to your letter as Attachment A, and am prepared to respond in part to that attachment. I would request an additional 30 days in order for my client to compile all of his records so he might be in a position to fully respond to your request. By way of partial response to Attachment A, however, my client is in a position to respond to your questions as follows:

- 1.a. Our practices did involve segregation of wastes before disposal, and it is our present belief that different types of waste were segregated and transported to different facilities, depending upon the type of waste involved.
- 1.b. No.
- 1.c. We are working to obtain such information, and as soon as it is compiled, we will notify you.
2. My client presently has no knowledge of any disposal of industrial waste or liquid waste at the Site by us, our company, or any other person or entity after or before regular business hours.

3. My client is in the process of compiling this information, and we will forward it to you as soon as it is available.

Again, I respectfully request an additional 30 days in which to compile and review these materials. I would appreciate your confirming our request for an extension of time in writing.

If you have any further questions, please feel free to contact me.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Frank E. Kenison", with a stylized flourish at the end.

Frank E. Kenison

FEK:ld

cc: Timothy L. Williamson, Esq.  
Charles A. Denault